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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

IN RE TFT-LCD (FLAT PANEL)
ANTITRUST LITIGATION

Master File No. M 07-1827 SI

MDL No. 1827

This Document Relates to:
ALL ACTIONS

**[PROPOSED] RECOMMENDATION AND
ORDER RE PROCEDURES FOR
DISCOVERY FROM DEPARTING
OFFICERS, DIRECTORS AND
MANAGING AGENTS**

The following procedures shall apply to discovery with respect to current employees of the parties whose employment status changes during the pendency of this action:

1. Each Defendant shall provide to the Plaintiffs in writing on or before August 22, 2008, a list of the names, job titles, and business addresses of 15 officers, directors, and/or managing agents involved in management of the Defendant's TFT-LCD business (or, if there are less than 15 such persons, then that lesser number), which list shall include, to the extent applicable to a Defendant, the following: (1) the person with the highest executive authority over the Defendant's TFT-LCD business (such as a Chief Executive Officer or President), (2) the head of sales for the TFT-LCD business (such as a Vice President of Sales), (3) the head of marketing for the TFT-LCD business (such as a Vice President of Marketing), and (4) the head of

1 manufacturing for the TFT-LCD business (such as a Vice President of Manufacturing). The
2 Plaintiffs shall have until September 15, 2008, to request the substitution of a different officer,
3 director, or managing agent for another person on the list based on the Plaintiffs' review of
4 disclosures and responses to discovery or other information. If the parties do not agree to the
5 substitution, then they shall meet and confer concerning the requested substitution.

6 2. If any officer, director, or managing agent who is identified by Defendants pursuant
7 to paragraph 1 leaves the employ of a Defendant, then that Defendant shall, at the time of
8 departure, request in good faith that such person appear for deposition after January 9, 2009, at a
9 date, place, and time convenient for the parties and the witness, without the need for service of a
10 third-party subpoena or other formal judicial process on the witness. The Defendant shall timely
11 inform Plaintiffs of the departure as well as the officer's, director's, or managing agent's response
12 to the request to appear for deposition. All relevant documents (e.g., emails, correspondence and
13 business files) that were being maintained by such officer, director, or managing agent prior to his
14 or her leaving the employ of a Defendant shall be preserved, such that they do not become
15 inaccessible as a result of the departure and could, if responsive to discovery requests and not
16 subject to an objection by the Defendant, be produced as part of the discovery in this case.

17 3. Should any Defendant fail to comply with this Order, or upon proper showing
18 made by the Plaintiffs, the Court, under its inherent discretionary power, may impose appropriate
19 evidentiary or other sanctions against such Defendant based on the facts presented by the parties
20 and in accordance with the law. Defendants reserve all rights to object to discovery concerning
21 departing officers, directors, and/or managing agents, and to otherwise oppose on the merits any
22 motion brought under this Order.

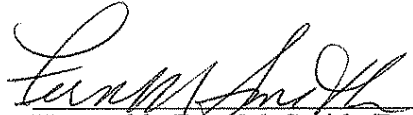
23 4. This Order does not affect, change, or modify any provision of the modified stay of
24 discovery entered by the Court on May 27, 2008, or any parties' rights under that Order. The
25 obligations under this Order shall expire on June 9, 2009 unless extended by stipulation of the
26 parties or by further Order of the Court.

27 5. Counsel for each Defendant shall provide a copy of this Order to his or her client.
28

SPECIAL MASTER RECOMMENDATION

The Special Master issues this recommendation to inform the Court that the Special Master finds it appropriate for the Court to enter the Proposed Order in this form.


Dated: Aug. 11, 2008


Honorable Fern M. Smith (Retired)
SPECIAL MASTER

PROPOSED ORDER

IT IS SO ORDERED.

Dated: 8/12/08


Honorable Susan Illston
UNITED STATES DISTRICT COURT